

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.791 OF 2007.

Vijay Narayan Patil ..Petitioner.
V/s
Dy. Inspector General of Police
and others ..Respondents.

Mrs. Nasreen Ayubi, Advocate appointed for the
petitioner.

Mr.V.B. Konde-Deshmukh, APP for the State.

CORAM : R.M.S.KHANDEPARKAR AND
SMT. V.K. TAHILRAMANI, JJ.

DATE : 13TH JULY , 2007.

P.C.

. Heard Mrs. Nasreen Ayubi, learned Counsel for
the petitioner and Mr.Konde-Deshmukh, learned APP for
the State.

2. The petitioner is convicted under section 302 of
Indian Penal Code. He is at present in Kolhapur Central
Prison, Kalamba. The petitioner had filed an
application for furlough leave. The said application
came to be rejected. Being aggrieved thereby, this
petition has been preferred.

3. We have perused the affidavit filed by the Jailor attached to Kolhapur Central Prison. In the said affidavit it is stated that in the year 2003 the petitioner was granted furlough leave. However, he did not surrender in time and he had over-stayed the period of furlough. Thereafter, the petitioner came to be released on parole leave. He was granted parole leave for total period of 60 days. However, he did not surrender in time. The petitioner was traced by the police and arrested and brought back to the prison. On the said occasion the petitioner over stayed by 366 days. Looking to the fact that the petitioner had over-stayed on this occasion by 366 days and the fact that he was required to be arrested and brought to the prison, his application for furlough leave came to be rejected.

4. Looking to the facts stated in the affidavit, we do not find any reason to interfere with the decision rejecting the application for furlough preferred by the petitioner. However, it is made clear that in future if the petitioner prefers an application for furlough, the same be considered and decided independently by the

authorities keeping in mind the conduct of the petitioner in jail in the last few years and other relevant facts and circumstances.

5. The petition is rejected.

(R.M.S. KHANDEPARKAR, J.)

(SMT. V.K.TAHILRAMANI, J.)